

## **RESPONSE**

### **I. Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121.

- I. Claims 1-4, said to be drawn to a nucleic acid encoding SEQ ID NO: 2, classified in class 536, subclass 23.5.
- II. Claims 1-4, said to be drawn to a nucleic acid encoding SEQ ID NO: 4, classified in class 536, subclass 23.5

### **II. Response to Restriction Requirement**

In response to the Restriction Requirement mailed March 24, 2005, Applicants make the following provisional election. Applicants elect with traverse, to prosecute the claims of Group II (Claims 1-4, said to be drawn to a nucleic acid encoding SEQ ID NO: 4, classified in class 536, subclass 23.5). Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

Applicants' traverse is based on the finding that these two invention represent variants of the same genetic locus which encode related isoforms of a human dectin protein.

### **III. Status of the Claims**

Claims 1-3 have been cancelled entirely without prejudice or disclaimer as being drawn to non-elected inventions. No claims have been amended. New claims 5-8 have been added to more clearly and completely claim the present invention. Claims 4-8 are therefore presently pending.

### **IV. Support for Amendments**

New claims 5 and 6 have been added to more clearly and completely claim the present invention. Support for new claims 5 and 6 can be found throughout the specification as originally filed,

with particular support being found, at least on or about page 14, lines 23-29 of the specification as filed and in the Sequence Listing as originally filed.

New claims 7 and 8 have also been added to more clearly and completely claim the present invention. Support for new claims 7 and 8 can be found throughout the specification as originally filed, with particular support being found, at least on or about page 14, lines 29 through page 15 line 2 of the specification as filed and in the Sequence Listing as originally filed.

Therefore, it is clear that new claims 5-8 do not contain new matter and entry is thus respectfully requested.

**V. Conclusion**

The present document is a complete response to the Restriction and Election Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Pak have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

April 25, 2005

Date



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